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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3236 OF 2006

Ravindra M. Doshi. Petitioner.

vs.

Ganpatlal H. Shah. Respondent.

Mr. U.J. Upadhyay i/by Mr. S.M. Chandrachud
for petitioner.

CORAM : A.P. DESHPANDE, J.

DATE : 6th November, 2006.

P.C.

. Aggrieved by an interlocutory order passed by the 10th Ad-hoc Additional District Judge, Pune, dated 10.1.2006 rejecting the application moved by the petitioner / original defendant, purported to have been moved under Order 41 Rule 27 for leading additional evidence, the present petition has been filed.

2. Perused the application moved by the petitioner so also the impugned order. The Court below has observed that the petitioner has failed to satisfy the parameters of order 41 rule 27 and hence cannot be permitted to lead additional evidence as

the petitioner's case does not fall within the ambit of rule 27. The Court has further found that the application moved by the petitioner under Order 41, Rule 27 only vaguely states in para 4 that the document in question could not be produced before the trial Court during the trial and that the same is recently traced in some other file. The impugned order observes that no particulars in regard to the statements contained in para 4 are spelt out. The Court below has taken a plausible view of the matter and hence the same does not call for any interference in exercise of jurisdiction under Article 227 of the Constitution of India. In the result, the petition is summarily rejected.

(A.P. Deshpande, J.)